

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN	)	
INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NUMBER:2:06cv717-1D
	)	
CAROL THORN; JOLEEN LEEA	)	
COLON; DALE EUGENE	)	
KIRKINDOLL; ELIZABETH S.	)	
KIRKINDOLL; THOMAS HOLT	)	
KIRKINDOLL; JAMES W. GRIFFIN	)	
SANDRA L. GRIFFIN; PATRICK A.	)	
BELT; CHRISTOPHER B. BELT;	)	
GENE STEGMAIER; ESTATE OF	)	
WILLIAM R. KLAUSS, a deceased	)	
minor; ESTATE OF CHERETY THORN)	)	
a deceased minor; LV STABLER	)	
MEMORIAL HOSPITAL; BRPT LAKE)	)	
REHABILITATION CENTER; BUTLER)	)	
COUNTY EMERGENCY MEDICAL	)	
SERVICES;	)	
	)	
Defendants.	)	

**MOTION TO EXTEND TIME FOR SERVICE UPON DEFENDANTS**

Comes now the plaintiff, Progressive American Insurance Company (“Progressive”), purusant to Rule 4(m) of the Federal Rules of Civil Procedure, and requests to court to extend the time allowed for service upon defendants In support of the motion, Progressive shows unto the court the following:

1. Progressive filed this interpleader action because it received competing claims to its policy limits as a result of an automobile accident that occurred on December 26, 2004.

2. Progressive has obtained service on defendants Dale Kirkindoll, Elizabeth Kirkindoll, Thomas Kirkindoll, James Griffin, Sandra Griffin, Patrick Belt, Gene Stegmaier, LV Stabler Memorial Hospital, and BRPT Lake Rehabilitation Center.

3. Progressive has been unable to perfect service upon defendants Carol Thorn, Joleen Colon, Christopher Belt, and Butler County Emergency Medical Services. Progressive has attempted service upon these defendants at multiple addresses without success. Progressive has already located what is believed to be the correct address for Butler County Emergency Medical Services. It is anticipated that correct addresses will soon be located for the remaining defendants.

4. Progressive has been unable to identify the personal representatives of the minor children, William Klauss and Cherety Thorn. However, it is anticipated that Carol Thorn will be able to provide this information after she is located.

5. The remaining defendants are necessary to a complete resolution of in this matter.

6. Allowing Progressive additional time to perfect service on the remaining defendants will not prejudice any party to this action.

WHEREFORE, above premises considered, Progressive moves that the court allow an additional 90 days, or, in the alternative, some other reasonable period of time as determined by the court, to perfect service upon the remaining defendants.

s/ Larry Bradford

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 13th day of December, 2006, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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